

1 CHRISTOPHER B. BRUNI, SBN 116521
2 SINUNU BRUNI LLP
3 333 Pine Street, Suite 400
4 San Francisco, CA 94104-3311
5 Telephone: 415.362.9700
6 Facsimile: 415.362.9707
7 cbruni@sinunubruni.com
8 Attorneys for Defendants
9 GREENWOOD CONSTRUCTION, INC., a dissolved
10 California Corporation, and
11 DENNIS P. GREENWOOD

12 WILLIAM LEVIN, SBN 98592
13 TIMOTHY F. PEARCE, SBN 215223
14 LEVIN SIMES LLP
15 353 Sacramento St., 20th Floor
16 San Francisco, CA 94111
17 Telephone: (415) 426-3000
18 Facsimile: (415) 426-3001
19 wlevin@levinsimes.com
20 lpearce@levinsimes.com
21 Attorneys for Plaintiffs

22 SARA BABIN and NICOLAS BABIN
23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SARA BABIN AND NICOLAS BABIN

Case No. C-14-01837-VC

26 Plaintiff(s)

27 v.

28 GREENWOOD CONSTRUCTION, INC.;
DENNIS P. GREENWOOD; AND THE
FIRST DOE THROUGH THREE
HUNDREDTH DOE, INCLUSIVE.

**STIPULATION TO REMAND CASE TO
ALAMEDA COUNTY SUPERIOR
COURT; ORDER THEREON**

29 Defendant(s).

30 SARA BABIN AND NICOLAS BABIN ("Plaintiffs") and GREENWOOD
31 CONSTRUCTION, INC. and DENNIS P. GREENWOOD, (collectively "Defendants"), through their
32 respective counsel of record, hereby stipulate as follows:

33 1. WHEREAS, on March 24, 2014, Plaintiffs commenced an action in the Superior Court
34 of the State of California in and for the County of Alameda, entitled *Sara Babin and Nicolas Babin*,

1 *Plaintiffs v. Greenwood Construction, Inc.; Dennis P. Greenwood; And The First Doe Through Three*
2 *Hundredth Doe, Inclusive, Defendants, as case number RG14718650 (the "Action").*

3 2. WHEREAS, Plaintiffs served the Summons and Complaint on Defendants on March
4 24, 2014.

5 3. WHEREAS, On April 22, 2014, Defendants filed a NOTICE OF REMOVAL OF
6 ACTION UNDER 28 U.S.C.A. § 1441(b), (DIVERSITY) ("Notice of Removal") with the United
7 States District Court for the Northern District of California.

8 4. WHEREAS, on April 23, 2014, Defendants completed the removal process by filing a
9 conformed copy of the notice of removal with the Alameda Superior Court.

10 5. WHEREAS, on April 29, 2014, Plaintiffs filed a Notice of Motion and Motion for
11 Remand. Also on April 29, 2014, Plaintiffs filed the Declaration of Christine E. Dafforn in Support of
12 Plaintiff's Motion for Remand ("Dafforn Dec.") and asserted that Sara Babin is a United States citizen.
13 Plaintiffs attached a copy of Sara Babin's United States Passport as Exhibit C to the Dafforn
14 Declaration.

15 6. WHEREAS, Defendants were unaware of Sara Babin's United States citizenship at the
16 time they filed the Notice of Removal.

17 7. WHEREAS, the parties agree that Ms. Babin's United States citizenship prevents
18 removal of her Superior Court action to Federal Court under diversity grounds.

19 THEREFORE, the parties have agreed as follows:

20 7. The Action be remanded to the Alameda County Superior Court.

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8. Each party shall bear its own attorneys' fees and costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation and Order.

Dated: May 13, 2014

SINUNU BRUNI LLP

By: Christopher Bruni
CHRISTOPHER B. BRUNI
Attorneys for Defendants,
GREENWOOD CONSTRUCTION, INC., a
dissolved California Corporation;
and DENNIS P. GREENWOOD

Dated: May 13, 2014

LEVIN SIMES LLP

By: Christine E. Dafforn
CHRISTINE E. DAFFORN
Attorneys for Plaintiffs,
SARA BABIN AND NICOLAS BABIN

ORDER

On May 13, 2014, the Parties to the above-referenced action filed a Stipulation to Remand Case to Alameda County Superior Court. The Court having reviewed that Stipulation and good cause appearing, orders as follows:

1. The Parties' Stipulation is approved;
2. Northern District of California Case No. C-14-01837-VC *Babin, et al. v.*

Greenwood Construction, Inc., et al. is hereby remanded to Alameda County Superior Court.

IT IS SO ORDERED:

Dated: May 14, 2014

UNITED STATES DISTRICT JUDGE

STIPULATION TO REMAND CASE; ORDER THEREON